

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR.-06-0542-MHP
)	
Plaintiff,)	
)	
vs.)	
)	
DAVID SIMCHO,)	<u>ORDER</u>
_____)	
Defendant. _____)	
_____)	

This matter came on for status and trial setting on April 23, 2007. Upon defendant's request the matter is continued to June 11, 2007 at 10:00 a.m. for status and trial setting. The government and defendant and his counsel (Thomas Kidwell) have agreed that the period from April 23, 2007 to June 11, 2007 shall be excluded under the Speedy Trial Act in the interest of justice pursuant to Title 18 U.S.C Sections 3161(h)(8)(A), (B)(ii), and (B)(iv). The Court agrees and finds that the ends of justice served by excluding the above period outweigh the best interests of the public and the defendant in a speedy trial, because the defendant is entitled a reasonable time to obtain new counsel after the Court disqualified Joe Izen from representing the defendant.

IT IS SO ORDERED.

Dated: April 24, 2007



CERTIFICATE OF SERVICE

I, **KATHY TAT** declare:

That I am a citizen of the United States of America and employed in San Francisco County, California; that my business address is Office of United States Attorney, 450 Golden Gate Avenue, Box 36055, San Francisco, California 94102; that I am over the age of eighteen years, and am not a party to the above-entitled action.

I am employed by the United States Attorney for the Northern District of California and discretion to be competent to serve papers. The undersigned further certifies that I caused a copy of the following:

to be served this date upon the party(ies) in this action by placing a true copy thereof in a sealed envelope, and served as follows:

 X **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

 PERSONAL SERVICE (BY MESSENGER/HAND DELIVERED)

 FACSIMILE (FAX) No.: _____

to the parties addressed as follows:

Thomas Breen Kidwell
2166 The Alameda, Suite 110
San Jose, CA 95126-1144

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on **April 23, 2007** at San Francisco, California.

/s/ Kathy Tat
KATHY TAT
Legal Assistant